



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.18822 of 2020

M.Sumathi

.. Petitioner

Vs

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Fort St. George,
Chennai-9.

2.The District Collector,
Thiruvallur District

3.The Tahsildar,
Thiruthani Taluk,
Thiruvallur District.

4.The Block Development Officer,
Thiruvalangadu,
Thiruthani Taluk,
Thiruvallur District.

5.The President,
Manavur Panchayat,
Manavur Village, Thiruthani Taluk,
Thiruvallur District - 631 210.

6.Mari
7.Jothy
8.Sundrambal
9.Logu
10.Siloormani
11.Kamala
12.Chinnaponnu

.. Respondents

(Respondent Nos.6 to 12 impleaded as per
order dated 3.1.2022 in W.M.P.No.27364/2021)



Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the second respondent to take necessary steps to remove the encroachment on panchayat public road which is parallel to and connecting the State High road over the same as described above at 3rd street, Kalainger puram, Manavur Panchayat at Manavur Village, Thiruthani Taluk, Thiruvallur District.

For the Petitioner : Mr.K.Nagarajan

For the Respondent : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 3

: Mr.P.S.Kothandaraman
for respondent Nos.6 to 12

: No appearance
for respondent Nos.4 and 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to seek a direction on the second respondent to remove encroachments on the panchayat public road, which is parallel to the land connecting the State Highway road.

2. Learned Additional Advocate General submitted that pursuant to the representation made by the petitioner, action was initiated as per law. He further submitted that since public road has been encroached, the encroachments would be removed within the shortest possible time.

3. Learned counsel appearing for the private respondents submitted that as against notices issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [for short, "the Act of 1905"], appeals were preferred under Section 10 of the Act of 1905 and the same were dismissed by the appellate authority. Now revision petitions have been preferred by the private respondents and the same are pending consideration. He further submitted that since revision petitions have been filed very



recently, an interim order could not be pressed. Thus, the prayer of the private respondents is to issue a direction on the official respondents not to remove the encroachments during the pendency of the revision petitions.

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4. Learned counsel for the petitioner, however, submitted that since public road has been encroached by the private respondents and the appeals preferred by them were already dismissed after considering the facts on merit, the writ petition may be disposed of with a direction to the official respondents to remove the encroachments.

5. We have considered the rival submissions and also perused the materials available on record.

6. The writ petition has been filed to remove the encroachments made on the public road. After realising that encroachments exist, the official respondents have issued notices under Section 6 of the Act of 1905 to the private respondents and the appeals preferred by them against the notices issued under Section 6 of the Act of 1905 have already been dismissed on merits. In view of the above and in the absence of any interim order in the pending revision petitions filed by the private respondents, there is no impediment on the official respondents to remove the encroachments.

7. Accordingly, the writ petition is disposed of with a direction to the official respondents to remove the encroachments for which notices have already been served on the encroachers as per law. The action for it would be taken within a period of two weeks. However, it would be subject to any interim order or final order to be passed in the revision petitions during the intervening period of two weeks. If no interim order or final order is passed on the revision petitions within the intervening period indicated above, the official respondents are directed to proceed to remove the encroachments. No costs. Consequently, W.M.P.No.23398 of 2020 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Secretary to Government,
State of Tamil Nadu,
Fort St. George,
Chennai-9.

2.The District Collector,
Thiruvallur District

3.The Tahsildar,
Thiruthani Taluk,
Thiruvallur District

4.The Block Development Officer,
Thiruvalangadu,
Thiruthani Taluk,
Thiruvallur District.

+1 cc to Mr.K.Nagarajan, Advocate Sr.NO.26084
+1 cc to Mr.M.Gnanasekar, Advocate Sr.NO.26711
+1 cc to Government Pleader Sr.NO. 26380

W.P.No.18822 of 2020

PA (CO)

A.SK(25/04/2022)